

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF LAKE JACKSON

BE IT KNOWN that the City Council of the City of Lake Jackson met on Monday, May 16, 2022, at 6:30 p.m. in Regular Session at 25 Oak Drive, Lake Jackson, Texas, Lake Jackson City Hall with the following in attendance:

Gerald Roznovsky, Mayor
Buster Buell, Mayor Pro-Tem
Vinay Singhania, Councilmember
Rhonda Seth, Councilmember
Jon "J.B." Baker, Councilmember
Chase Blanchard, Councilmember

ABSENT:

Matt Broaddus, Councilmember

Modesto Mundo, City Manager
Sherri Russell, City Attorney
Sally Villarreal, City Secretary
Sal Aguirre, City Engineer
Jonathon Phillips, Asst. Parks, and Rec Director
Pam Eaves, Finance Director
Sabrina England, PW Director
Roy Welch, Public Information Officer
David Walton, Building Official
Milford John-Williams, Asst. to the CM
Lora-Marie Bernard, PIO
Eddie Herrera, Project Manager

PLEDGE OF ALLEGIANCE

Councilmember Singhania led the pledge of allegiance.

INVOCATION

Councilmember Buell led the invocation.

VISITORS COMMENTS

There were no visitor comments.

PRESENTATIONS

Mr. Mundo introduced James Bryson, Finance Director.

Mr. Mundo recognized Pam Eaves, Finance Director for her dedication and 32 years of service.

DECLARATION OF CONFLICTS OF INTEREST

There were no declarations of conflicts of interest.

CONSENT AGENDA

1. Accept Board and Commission minutes:
 - a) Planning Commission 040522
 - b) Traffic Commission 041222
2. Set regular council meeting times for 6:30 pm on the first and third Monday of each month except for the following meetings: Tuesday, July 5, 2022, Tuesday, September 6, 2022, Tuesday, January 17, 2023, Tuesday, February 21, 2023
3. Authorize city manager to execute a contract with Restroom Facilities, Ltd., through BuyBoard contract #592-19 for the replacement of the Pee Wee Restroom/Concession facility and Dunbar Park Pavilion Restroom facility in an amount not to exceed \$860,270
4. Award Bid No. 22-04-004 to Houston Polybag for garbage bags with a fixed unit price of \$8.12 per roll
5. Authorize city manager to execute a contract with HR Green for WWTP Headworks design and engineering in an amount not to exceed \$136,250
6. Authorize city manager to execute a contract with PGAL for design services associated with above ground fuel storage tanks in an amount not to exceed \$132,233
7. Designate The Facts as the official newspaper of the City of Lake Jackson

On motion by Councilmember Buell seconded by Councilmember Seth with all present members voting "aye," the consent agenda was approved as follows:

1. Accept Board and Commission minutes: *accepted*
 - c) Planning Commission 040522
 - d) Traffic Commission 041222
2. Set regular council meeting times for 6:30 pm on the first and third Monday of each month except for the following meetings: Tuesday, July 5, 2022, Tuesday, September 6, 2022, Tuesday, January 17, 2023, Tuesday, February 21, 2023 - *approved*
3. Authorize city manager to execute a contract with Restroom Facilities, Ltd., through BuyBoard contract #592-19 for the replacement of the Pee Wee Restroom/Concession facility and Dunbar Park Pavilion Restroom facility in an amount not to exceed \$860,270 - *approved*
4. Award Bid No. 22-04-004 to Houston Polybag for garbage bags with a fixed unit price of \$8.12 per roll – *awarded*
5. Authorize city manager to execute a contract with HR Green for WWTP Headworks design and engineering in an amount not to exceed \$136,250 – *approved*
6. Authorize city manager to execute a contract with PGAL for design services associated with above ground fuel storage tanks in an amount not to exceed \$132,233 – *approved*
7. Designate The Facts as the official newspaper of the City of Lake Jackson – *approved*

RESOLUTION DECLARING THE RESULTS OF THE MAY 7, 2022 GENERAL ELECTION - SALLY VILLARREAL

Ms. Villarreal read the resolution and recorded the following results:

Mayor				
	Absentee Voting	Early Voting	Election Day Voting	Total
Gerald Roznovsky	191	913	396	1500

Position No. 2				
	Absentee Voting	Early Voting	Election Day Voting	Total
Vinay Singhania	111	530	236	877
Travis Pate	95	492	218	805

Position No. 4				
	Absentee Voting	Early Voting	Election Day Voting	Total
Chase Blanchard	136	655	301	1092
Jesse Glatz	39	309	116	464

City of Lake Jackson Proposition A

	Absentee	Early Voting	Election Day	Total
For	165	787	359	1311
Against	37	218	101	356

Amendment A (Contraction of Boundaries)

	Absentee	Early Voting	Election Day	Total
For	176	773	342	1291
Against	21	164	70	255

Amendment B (Councilmembers)

	Absentee	Early Voting	Election Day	Total
For	144	584	257	985
Against	58	411	201	670

Amendment C (Procedure for Passage of Ordinances)

	Absentee	Early Voting	Election Day	Total
For	86	574	201	861
Against	110	403	237	750

Amendment D (Department of Health and Sanitation)

	Absentee	Early Voting	Election Day	Total
For	79	492	178	749
Against	119	481	254	854

Amendment E (Further Regulation by City Council)

	Absentee	Early Voting	Election Day	Total
For	131	654	267	1052
Against	68	316	159	543

Amendment F (Effective Date of Budget; Certification; Copies Made Available)

	Absentee	Early Voting	Election Day	Total
For	191	965	444	1600
Against	7	34	11	52

G (Effective Date of Budget; Certification; Copies Made Available)

	Absentee	Early Voting	Election Day	Total
For	92	576	210	878
Against	105	395	224	724

On motion by Councilmember Seth seconded by Councilmember Baker with all present members voting “aye” the resolution declaring the results of the May 7, 2022 election was approved.

PRESENTATION OF GIFT TO OUTGOING COUNCILMEMBER R.L. “BUSTER” BUELL – MAYOR ROZNOVSKY

Mayor Roznovsky presented outgoing Councilmember Buell with a gift and thanked him for his years of serving on City Council.

ISSUE CERTIFICATE OF ELECTION AND ADMINISTER OATH OF OFFICE TO NEWLY ELECTED COUNCILMEMBERS

Sally Villarreal administered the Oath of Office to Gerald Roznovsky and presented him with the Certificate of Election. Ms. Villarreal administered the Oath of Office to Vinay Singhania and Chase Blanchard and Mayor Roznovsky presented them with their Certificate of Election.

APPOINT MAYOR PRO-TEM

Mayor Roznovsky explained how the Mayor Pro-Tem is selected. This usually goes to the person who has served the longest on city council but has not served as Mayor Pro-Tem. This appointment would be for Councilmember Seth. Mayor Roznovsky proposed adding a line to the procedures that a person should serve at least one year on city council before stepping in as mayor if needed.

Councilmember Singhania motioned to accept Councilmember Seth as Mayor Pro-Tem, seconded by Councilmember Baker with all present members voting “aye” the motion carried.

PUBLIC HEARING FOR THE CREATION OF NORTHWOOD ESTATES SECTION 4 PUBLIC IMPROVEMENT DISTRICT

Mr. Mundo summarized the Northwood Phase 4 PID creation. For the fourth phase the petitioner has proposed to staff for the PID to pay for capital improvements that were not normal in the first three phases. One of the factors is raising the development 2 ft. out of the flood zone. This was not required for the first three phases. The second item is for a lift station that would serve this area and take the waste underneath the highway and connect to the piping on the airport side. These are the two improvements included in the PID. What this means is the PID sets an annuity rate that the new homeowner would have to pay in addition to the tax rate, but it is only for the two items plus interest. It is not in the lot cost, but it is a special tax rate. Only the 108 homes that are expected to be built in Phase 4 will be affected.

Reg Aplin was present to speak on this item.

Councilmember Seth asked for clarification that there will not be any cost to taxpayers. If the development starts and no homes are sold, taxpayers will not bear any responsibility and it becomes the responsibility of Mr. Aplin as the developer. No other taxpayer except the ones purchasing one of the homes will bear any cost whether it be administrative or anything for the project. Mr. Aplin said that is correct.

Mr. Mundo noted the costs below:

PUBLIC IMPROVEMENT	ESTIMATED COST
Storm Water Drainage and Detention Facilities, Flood Plain Mitigation, Wastewater Facilities including Engineering and Other Professional Services	\$2,783,609
Financing Costs (30 years @ 3.9%)	\$1,987,226
Total Improvements	\$4,770,835
PID Administration (5%)	\$238,542
City Administration (1%)	\$47,708
Total Costs (30 years)	\$5,057,085

Councilmember Baker asked if a lift station would be built. Mr. Aplin replied yes.

Councilmember Singhania asked for clarification that the collection of the PID would be managed by the tax office and the city would never have to collect taxes. Mr. Aplin confirmed yes.

Mayor Roznovsky opened the public hearing at 6:54 p.m.

Councilmember Baker asked how the taxes would be collected if a home went into foreclosure. Scott Beam explained if a foreclosure happens the subsequent buyer has to come current on taxes. It would be the same thing for a PID assessment if there are two years in arrears on annual payments on the PID assessment it does not have to be fixed at the time of sale.

Councilmember Blanchard asked about the elevation and wanted assurance that it would not create a big bowl for phases 1-3. Mr. Aplin explained because of the new flood zone and phase 4 having to be built up two feet, it would solve the problem with phases 1-3.

Mayor Roznovsky closed the public hearing at 7:03 p.m.

RESOLUTION MAKING FINDINGS THAT THE CONSTRUCTION OF STORM WATER DRAINAGE AND DETENTION FACILITIES, FLOOD PLAIN MITIGATION, AND WASTEWATER FACILITIES, AT A COST OF \$5,057,085.00, WILL CONFER A SPECIAL BENEFIT TO NORTHWOOD ESTATES SECTION 4 AND THAT THE COSTS SHOULD BE BORNE 100% BY THE NORTHWOOD ESTATES SECTION 4 PUBLIC IMPROVEMENT DISTRICT – MODESTO MUNDO

Mr. Mundo read the resolution caption.

On motion by Councilmember Singhania seconded by Councilmember Seth with all present members voting “aye” the resolution making findings that the construction of storm water drainage and detention facilities, flood plain mitigation, and wastewater facilities, at a cost of \$5,057,085.00 will confer a special benefit to Northwood Estates Section 4 and that the costs should be borne 100% by the Northwood Estates Section 4 Public Improvement District was approved.

RESOLUTION AUTHORIZING THE ESTABLISHMENT OF THE NORTHWOOD ESTATES SECTION 4 PUBLIC IMPROVEMENT DISTRICT IN THE CITY OF LAKE JACKSON – MODESTO MUNDO

Mr. Mundo read the resolution caption.

On motion by Councilmember Seth seconded by Councilmember Baker with all present members voting “aye” the resolution authorizing the establishment of the Northwood Estates Section 4 Public Improvement District in the City of Lake Jackson was approved.

PUBLIC HEARING TO AMEND CH. 110 ZONING TO THE CODE OF ORDINANCES TO ALLOW MOBILE FOOD VENDOR COURTS AS A PERMITTED USE IN B-1 (NEIGHBORHOOD BUSINESS), B-2 (CENTRAL BUSINESS), AND C-1 (COMMERCIAL) ZONE – MEAGAN BORTH

Mayor Roznovsky opened the public hearing at 7:05 p.m.

Ms. Borth stated the concept was taken to the Planning Commission to discuss zones and parking requirements. The zones being recommended by the Planning Commission are B-1, B-2, and C-1. The parking recommendation is three parking spaces per truck at a minimum. The guidelines will come back at a future meeting with council.

Councilmember Blanchard asked if parking spaces are designated will there also be a requirement to designate ADA parking.

Ms. Borth stated that would be determined by other entities.

Mayor Roznovsky closed the public hearing at 7:08 p.m.

AN ORDINANCE TO AMEND CH. 110 ZONING TO THE CODE OF ORDINANCES TO ALLOW MOBILE FOOD VENDOR COURTS AS A PERMITTED USE IN B-1 (NEIGHBORHOOD BUSINESS), B-2 (CENTRAL BUSINESS), AND C-1 (COMMERCIAL) ZONES – FIRST READING – SHERRI RUSSELL

Mr. Mundo read the code of ordinance caption.

On motion by Councilmember Baker seconded by Councilmember Seth with all present members voting “aye” an ordinance to amend Ch. 110 Zoning to the code of ordinances to allow mobile food vendor courts as permitted use in B-1 (neighborhood business), B-2 (central business) and C -1 (commercial) zones was approved on first reading.

PUBLIC HEARING TO AMEND CH. 110 ZONING TO THE CODE OF ORDINANCES TO DECREASE SETBACKS FOR ACCESSORY STRUCTURES ON RESIDENTIAL LOTS THAT BACK UP TO A PARK OR DRAINAGE WAY – MODESTO MUNDO

Mayor Roznovsky opened the public hearing at 7:10 p.m.

Mr. Mundo shared that this came from a resident that wanted to build an accessory structure beyond the building area of a 15 ft. setback. This particular property owner backed up to parkland.

The Planning Commission held their public hearing on May 3, 2022 discussing relief of residential rear setback requirements for accessory structure if the property backs up to parkland or a drainage way.

The commission agreed with staff's recommendation that the setback for an accessory structure exceeding 200 sq. ft., be established at the utility easement if one existed or a minimum of 5 ft.

For example, if a property had an 8 ft. utility easement at the rear of their property, then that would be the rear setback for an accessory structure exceeding 200 sq. ft. The main building and detached garage would still need to comply with the 15 ft. rear setback. If a utility easement did not exist, then the rear setback for the accessory structure would be 5 ft.

The Planning Commission and staff did not recommend changing setback requirements for properties abutting to ponds or creeks due to erosion.

Councilmember Seth asked if anyone had contacted the resident.

Mayor Roznovsky stated the resident's intentions were if it were not addressed quickly, he would push forward due to the cost of concrete and materials. The resident was also informed of his option to go to the ZBA, but he chose not to go before the board. Mayor Roznovsky stated he would reach out to the resident.

Mayor Roznovsky closed the public hearing at 7:15 p.m.

AN ORDINANCE TO AMEND CH. 110 ZONING TO THE CODE OF ORDINANCES TO DECREASE SETBACKS FOR ACCESSORY STRUCTURES ON RESIDENTIAL LOTS THAT BACK UP TO A PARK OR DRAINAGE WAY - FIRST READING

Mr. Mundo read the ordinance caption.

On motion by Councilmember Seth seconded by Councilmember Singhania with all present members voting "aye" the ordinance to amend Ch. 110 Zoning to the Code of Ordinances to decrease setbacks for accessory structures on residential lots that back up to a park or drainage way was approved on first reading.

DISCUSS GUIDELINES FOR PRIVATE CANOPIES OVER DOWNTOWN CITY PROPERTY

Ms. Borth stated staff would like to request on the downtown business's behalf, that council give permission to move forward with allowing them to erect a canopy in place of the canopies that were removed, or if it is a business in downtown that does not currently have a canopy and wants to put one up, allowing them to put one up since it is on city property. An encroachment agreement would need to be signed, approval from Mr. Mundo and the canopy would need to fall within all other codes as dictated for a canopy. Ms. Borth stated staff has received a request from one business already.

Mayor Roznovsky summarized that each individual business would have to come to council and make a request. This is to provide guidelines, and hopefully have it set up to where each business can make the request to Mr. Mundo. The business could still come to council.

Councilmember Baker asked if the canopy is not replaced, would it remain as is without a canopy. Ms. Borth said it would.

Ms. Borth stated the green steel material that is there now is intended to be a temporary set up and businesses are aware of it. It is not meant to be permanent. Something should be happening to storefronts regardless, but they could leave the green steel if they wanted too.

Councilmember Baker asked if it is not permanent, what is going to happen? Mr. Mundo stated the city cannot do anything because it is their building. Ms. Borth stated that the city has left it looking nice and weather tight at a reasonable cost. Ms. Borth also noted that they had the option to replace the canopy with something like what was there before, but the business owners did not want that.

Mayor Roznovsky said the material the city left can last for a long period of time. The businesses could put a sign up if they wanted.

Mr. Mundo stated most of the business owners have indicated they want to maintain their own building. This is no different than when the front of Smithhart's canopy was removed and they replaced it with metal canopies. The requirement at that time was an encroachment agreement stating it had to be attached to the building and if any work ever needed to be completed, the canopy would have to come down at the business owner's cost.

Mayor Roznovsky stated downtown is unique with the city owning up to the slab of all the buildings.

Ms. Russell stated she would come back with a resolution once she has the list of guidelines.

Ms. Borth stated staff is recommending the same guidelines are maintained that are already in the code of ordinances. Those three things are the height, encroachment agreement and that canopies are windstorm compliant. Ms. Russell said the canopies would have the same guidelines as the sign ordinance and she also suggested that the city be indemnified in case it fell on someone.

Smokey Roye – 104 Poppy

Mr. Roye asked if Smithhart's paid for their canopy or if the city paid for it. Mr. Mundo said the city did not pay for it.

Mr. Roye also asked if the building next to his is windstorm certified and if they started without a windstorm certificate. Ms. Borth said they have a permit for the construction.

Mr. Walton stated that a permit was issued for 107 Parking Way at the start of construction, however, the work exceeded the scope of the permit, and the work was halted. A windstorm report has been received for the property.

Mr. Roye asked how the city intends to help business owners.

Mr. Mundo said when staff met with individual owners it was said that the city would take the canopy down and at the base cost, it would be replaced with hardiplank and painted a neutral color. It was also discussed if it were affordable the city would put back some type of canopy structure. Discussions started with many of the owners, then ownership changed where one owner owns approximately three-fourths of the property, they expressed they did not want the canopy on the structure. When this happened, the city decided to dismiss any type of canopy on the structure. The original intent was to improve it at a basic level and come back with a canopy, but it was stopped.

Mr. Roye asked again what kind of help, if any, will the business owners get. The canopy will be \$6,000 out of pocket for his cost.

Mr. Mundo stated the engineers indicated the canopy needed to come down to make it ADA compliant. It is all public property and the canopy staying there was proving to be dangerous.

Councilmember Seth pointed out if the original intent was to help business owners with the cost and there is one property owner who owns many of it, is there still an opportunity to help the ones who agree to it because they thought they would get help.

Ms. Borth stated staff tends to agree, but it was not budgeted for adding the canopies back in. Staff will be bringing this back when Covid money is discussed.

Councilmember Blanchard asked if the permit fee can be waived.

Ms. Russell stopped the discussion because it was getting off the agenda. This item can be brought back at a future meeting if desired.

SET INTERVIEW DATES FOR BOARD AND COMMISSION APPLICANTS

After discussing dates and attendance, the interview date for new applicants was set for Monday, June 6, 2022.

AUTHORIZE CITY MANAGER TO EXECUTE A CONTRACT WITH VERNOR MATERIALS FOR STAGING RECYCLING MATERIAL IN AN AMOUNT NOT TO EXCEED \$160,000

Mr. Mundo went over the information below.

Vernor Materials submitted proposal to accept recyclables from the city and then haul to a Municipal Recycling Facility (MRF) that the city selects. The basic parameters are:

1. Term of lease and service contract is one **(1) YEAR** beginning **June 1, 2022** and ending on the eve of the anniversary of such beginning. This lease and service contract may be terminated at any time by either party with a two-month notice.
2. **\$5000.00 per month** for the use of the leased premises.
3. Boxes transported to facilities in Houston below the mid-city area Tenant will pay the Landlord \$600 per box delivered (Waste Management MRF).
4. Boxes transported to facilities in Houston above the mid-city area Tenant will pay the Landlord \$650 per box delivered (FCC MRF).
5. The delivery charge amounts will be reviewed every three months and may change due to fuel and labor cost increases.

The City Attorney is reviewing proposed contract language for tenant agreement. The estimated annual cost of contract with Vernor Material is \$157,500 based on \$60,000 lease and 150 loads at \$650 delivery to North Houston. The impact to the budget this year could be \$50,000. Staff estimates that the monthly fee for recycling will increase from \$3 per month to \$4 per month for homes and \$2 per month to \$4 per month for apartment units. Mr. Mundo made sure to point out this is just an estimate. It could change.

Staff recommends approval of executing contract with Vernor Materials and will finalize recommendation for recycling rate increase during the budget process.

The current monthly recycling rate is under review. Staff estimates that the monthly rate will need to be increased \$1 to \$1.75 per month to cover the cost to stage, transport and process recyclables to a Houston MRF and normal operational increases associated with fuel, labor, and equipment.

Current Rates	Rate	Customers	FY 21/22
Residential recycling	\$3.00	8,450	304,200
Apartment recycling	\$2.00	3,708	88,992
			\$393,192

Mayor Roznovsky summarized the discussion and said if council approves the contract, it will carry the city through October since Mr. Mundo will find the funding in the current budget. Then, this will be discussed in the budget process on how to move forward. The contract has a 60-day notice to terminate if desired.

Councilmember Seth asked whether other cities only charge residents who participate in recycling. Mr. Mundo said there are cities that have their rates mixed with garbage and recycling together, but he was not aware of any cities who only charge for recycling participation.

Councilmember Seth was curious because when recycling started it was very popular in the city, but as rates increase it may not be a service that most of the citizens want.

Mayor Roznovsky stated the city will have the waste regardless of recycling or not. The overall cost to the landfill will increase because that product must still go to the landfill. The whole dollar amount for the cost of recycling will not be recovered.

Mr. Mundo stated if recycling stopped, you would see maybe ½ savings on the rate.

Councilmember Singhania suggested picking up recycling every other week instead of weekly. Mr. Mundo said if picking up every other week, trucks would need to be added to routes to manage the load.

Councilmember Blanchard asked if it were possible to get numbers on how much it would cost if recycling was stopped and take everything to the landfill.

On motion by Councilmember Singhania seconded by Councilmember Blanchard with all present members voting “aye” authorization was given to the City Manager to execute a contract with Vernor Materials for staging recycling material in an amount not to exceed \$160,000.

Mr. Mundo said if this is not approved then recycling will stop in 14 days. This is just to carry the city until October.

Councilmember Singhania mentioned the City of Clute's interest in participating in the contract. Mr. Mundo said they would piggyback off the city and pay for their own deliveries, but their recycling amount is so minuscule, it would not help the City of Lake Jackson. They would not be paying for any portion of the premise lease. Councilmember Singhania suggested asking Clute if they would be interested in participating in the contract.

UPDATE ON NEW BUSINESS COMING TO THE CITY

Mr. Walton gave an update on new business. He noted there have been no new applications received. Taco Bueno has been cleared by the city, but they are training and almost ready to open.

CITY MANAGER UPDATES

- Debris Burning – Ms. England went over this item and said it is going well. Once the burn is complete, it will be assessed and made sure it is ready for hauling to Waste Management. She did note that the burn would not be a quick one. The burn must be completely cooled before it is hauled.

CONSTRUCTION UPDATES

Mr. Aguirre gave an update on the downtown project and stated he was a little disappointed on the progress of the concrete and pavement scheme. Most of the water and sewer is being put in and should not be a problem.

Mr. Aguirre stated the sheet metal for the canopy project is on backorder so that portion of the project has been halted until the material arrives.

Ms. Borth announced that the library project is complete. There will be a private unveiling on May 31, 2022 with the current plan to reopen to the public on June 1, 2022.

Ms. Borth also shared that the animal shelter design is at 90% completion. The architects will be at the next council meeting to give an update and presentation. The completion date is estimated from July 2023 to October 2023.

Mr. Phillips gave an update on the roof replacement and stated they are still waiting on supplies.

Councilmember Seth mentioned a tree that was down at MacLean. Mr. Phillips stated that Mr. Carlton and his crew were aware of it and are working to clear it up.

ITEMS OF COMMUNITY INTEREST

Councilmember Baker reminded everyone about the BCCA meeting on Wednesday at the Civic Center. He also addressed a boat on Tulip Trail. Mr. Walton informed Councilmember Baker that he would go look at it.

Councilmember Seth reminded everyone about early voting for the primary runoff election. She also mentioned a shred day hosted by KLJB at Texas Gulf Bank on Saturday.

ADJOURNMENT

There being no further business the meeting adjourned at 8:05 p.m.

These minutes read and approved this 6th day of June 2022.

Gerald Roznovsky, Mayor

Sally Villarreal, City Secretary